

Translation

PATENT COOPERATION TREATY

PCT/JP2003/001937



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC-8814	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/001937	International filing date (day/month/year) 21 February 2003 (21.02.2003)	Priority date (day/month/year) 25 February 2002 (25.02.2002)
International Patent Classification (IPC) or national classification and IPC G09F 19/00, A63F 13/00, G06F 17/60, 13/00		
Applicant SEIKO EPSON CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 22 August 2003 (22.08.2003)	Date of completion of this report 23 February 2004 (23.02.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claim No. 8

because:

☒ the said international application, or the said claim No. 8 relate to the following subject matter which does not require an international preliminary examination (*specify*):

Claim 8 pertains to a method for business activities and playing games, which does not require an examination by the International Preliminary Examining Authority in accordance with PCT Article 17(2)(a)(i) and Rule 39.1(iii).

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. \_\_\_\_\_

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

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## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

A common matter among the inventions set forth as claims 1-2, 8-9, 3, 4-5, 6 and 7 is the point about "controlling to use an image for advertising a commodity or a service as a character image". This point is well-known technology and is not a "special technical feature." Therefore, there is no technical relationship among these inventions involving the same or corresponding "special technical features, and thus these claims do not satisfy the requirement for unity of invention.

Claims 1-2 and 8-9 relate to order processing; claim 3 to selection processing; claims 4 and 5 to scoring information processing; claim 6 to image enlargement processing; and claim 7 to call request processing.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. \_\_\_\_\_

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	4-5	YES
	Claims	1-3, 6-7, 9	NO
Inventive step (IS)	Claims		YES
	Claims	1-7, 9	NO
Industrial applicability (IA)	Claims		YES
	Claims	1-7, 9	NO

### 2. Citations and explanations

#### Claims 1, 6-7 and 9

Document 1: "Character Business Koki Tsukai, Yoku Asobe", Nikkei Design, Nikkei Business Publications, Inc., 24 December, 2001, Vol. 175, pages 44 to 46, ISSN 0913-3429, pages 46-47, Columns 'Toro', 'Image Iji no Tameno Genkaku na Kanri'

Document 1 describes using an image for advertising character goods as a character image used in a game screen. Enlarging the image and calling for information relating to the character goods would be obvious to a party skilled in the art.

#### Claims 1-2, 6-7 and 9

Document 2: JP, 2002-52254, A (Sony Corp.), 19 February, 2002

Document 2 describes an advertisement system using an advertisement image as a character image used in a game screen, which detects and receives an order of which the object is wherein orders for the advertised object are detected and received. Enlarging the advertisement image and calling for the information relating to the advertisement object would be obvious to a party skilled in the art.

#### Claims 1, 3, 7 and 9

Document 3: JP, 2000-29712, A (Sony Corp.), 28 January, 2000

Document 3 describes an advertisement system wherein an advertisement image is used as a character image used in a game, and information relating to the advertisement object is called, and the advertisement contents changing based on time of day.

#### Claims 1, 4-5 and 9

Document 4: JP, 2001-224863, A (Tatsuya Nakajo), 21 August, 2001

Document 4 describes an advertisement system using an advertisement image as a character image used in a game screen, wherein player information is displayed in an order based on score information. Displaying the player information starting at a predetermined ranking, displaying the scoring information in correlation with player information, and updating the ranking would be obvious to a party skilled in the art.

#### Claims 1, 6 and 9

Document 5: JP, 2001-283092, A (Masuyoshi Ren), 12 October, 2001

Document 5 describes using an advertisement image as a character image used in a game screen, and enlarging and displaying said advertisement image.